

response to the Non-Compliant Amendment within the one month period allowed for response.

Please amend the application as follows:

IN THE CLAIMS:

Claim 1 (currently amended): A hard boiled candy composition comprising:

(a) a confectionery base comprised of a mixture of at least one sugar and at least one carbohydrate bulking agent which is kept in an amorphous or glassy condition;

(b) at least one botanical selected from the group consisting of Echinacea, Siberian Ginseng, Ginko Biloba, Kola Nut, Goldenseal, Golo Kola, Schizandra, Elderberry, St. Johns Wort, Valerian and Ephedra, and combinations thereof, each having an unpleasant mouthfeel; and,

(c) an amount of from about 0.5% to about 5.0% by weight of said hard boiled candy composition of an unpleasant mouthfeel suppressing agent consisting essentially of one or more partially hydrogenated vegetable oils or saturated fats, said amount being effective to suppress said unpleasant mouthfeel of said botanical.

Claim 2 (cancel): The candy composition according to claim 1 wherein the botanical is selected from the group consisting of Echinacea, Siberian Ginseng, Ginko Biloba,

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Kola Nut, Goldenseal, Golo Kola, Schizandra, Elderberry, St. Johns Wort, Valerian and Ephedra, and combinations thereof.

Claim 3 (currently amended): The hard boiled candy composition according to claim 2 wherein the botanical is Echinacea.

Claim 4 (currently amended): The hard boiled candy composition according to claim 1 wherein the partially hydrogenated vegetable oil is selected from the group consisting of cottonseed, soybean, peanut, palm, sunflower seed and corn oil and combinations thereof. ~~and the saturated fat is selected from the group consisting of palm kernel oil, coconut oil, cocoa butter, and butter, and combinations thereof.~~

Claim 5 (cancel): The candy composition according to claim 4 wherein the saturated fat or partially hydrogenated vegetable oil is selected from the group consisting of partially hydrogenated cottonseed oil, palm kernel oil, and butter, and mixtures thereof.

Claim 6 (currently amended): The hard boiled candy composition according to claim 1 wherein the saturated fat or partially hydrogenated vegetable oil is present at 0.5% to 3.5% by weight of said hard boiled candy composition.

Claim 7 (currently amended): The hard boiled candy composition according to claim 1 wherein the saturated fat or partially hydrogenated vegetable oil is present at 0.75% to 3.0% by weight of said hard boiled candy composition.

Claim 8 (currently amended): The hard boiled candy composition according to claim 1 wherein the ratio of the saturated fat or partially hydrogenated vegetable oil to the botanical is from about 1/1 to about 1/.01.

Claim 9 (currently amended): The hard boiled candy composition according to claim 8 wherein the ratio of the saturated fat or partially hydrogenated oil to the botanical is from 1.0/0.6 to 1.0/0.15.

Claim 10 (withdrawn): A hard boiled candy composition comprising

- (a) a confectionery base,
- (b) at least one mineral or mineral salt having an unpleasant mouthfeel, and,
- (c) from about 0.5% to about 5.0% by weight of said composition of one or more partially hydrogenated vegetable oils said amount being effective to suppress said unpleasant mouthfeel of said mineral or mineral salt.

Claim 11 (withdrawn): The candy composition according to claim 10 wherein the mineral or mineral salt is zinc, calcium, iron or selenium or a salt thereof.

Claim 12 (withdrawn): The candy composition according to claim 11 wherein the mineral or mineral salt is zinc or a zinc salt.

Claim 13 (withdrawn): The candy composition according to claim 10 wherein the partially hydrogenated vegetable oil is cottonseed, soybean, peanut, palm, sunflower seed or corn oil.

Claim 14 (withdrawn): The candy composition according to claim 13 wherein the partially hydrogenated vegetable oil is cottonseed oil.

Claim 15 (withdrawn): The candy composition according to claim 10 wherein the partially hydrogenated vegetable oil is present at 0.5% to 3.5%.

Claim 16 (withdrawn): The candy composition according to claim 15 wherein the partially hydrogenated vegetable oil is present at 0.75% to 3.0%.

Claim 17 (withdrawn): The candy composition according to claim 10 wherein the ratio of the partially hydrogenated vegetable oil to the mineral or mineral salt is from 1.0/0.6 to 1.0/0.15.

Claim 18 (withdrawn): The candy composition according to claim 17 wherein the ratio of the partially hydrogenated vegetable oil to the mineral or mineral salt is from 1.0/0.6 to 1.0/0.15.

Claim 19 (withdrawn): A hard gum composition comprising

- (a) a confectionery base,
- (b) a botanical having an unpleasant mouthfeel
- (c) from about 0.5% to about 5.0% by weight of said composition of one or more partially hydrogenated vegetable oils, or saturated fats said amount being effective to suppress said unpleasant mouthfeel of said botanical.

Claim 20 (withdrawn): The hard gum composition according to claim 19 wherein the botanical is Echinacea, Siberian Ginseng, Ginko Biloba, Kola Nut, Goldenseal, Golo Kola, Schizandra, Elderberry, St. Johns Wort, Valerian or Ephedra or a mixture thereof.

Claim 21 (withdrawn): The hard gum composition according to claim 20 wherein the botanical is Echinacea.

Claim 22 (withdrawn): The hard gum composition according to claim 19 wherein the partially hydrogenated vegetable oil is cottonseed, soybean, peanut, palm, sunflower seed or corn oil, and the saturated fat is palm kernel oil, coconut oil, cocoa butter or butter.

Claim 23 (withdrawn): The hard gum composition according to claim 22 wherein the saturated fat or partially hydrogenated vegetable oil is partially hydrogenated cottonseed oil, palm kernel oil or butter or a mixture thereof.

Claim 24 (withdrawn): The hard gum composition according to claim 19 wherein the saturated fat or partially hydrogenated vegetable oil is present at 0.5% to 3.5%.

Claim 25 (withdrawn): The hard gum composition according to claim 24 wherein the saturated fat or partially hydrogenated vegetable oil is present at 0.75% or 3.0%.

Claim 26 (withdrawn): The hard gum composition according to claim 19 wherein the ratio of the saturated fat or partially hydrogenated vegetable oil to the botanical is from about 1/1 to about 1/0.1.

Claim 27 (withdrawn): The hard gum composition according to claim 26 wherein the ratio of the saturated fat or partially hydrogenated vegetable oil to the botanical is from about 1/1 to about 1/0.1.

Claim 28: (currently amended): A method for suppressing the unpleasant mouthfeel of a hard boiled candy composition which contains a botanical having an unpleasant mouthfeel, which comprises:

(a) providing a confectionery base comprised of a mixture of at least one sugar and at least one carbohydrate bulking agent which is kept in an amorphous or glassy condition and a botanical selected from the group consisting of Echinacea, Siberian Ginseng, Ginkgo Biloba, Kola Nut, Goldenseal, Golo Kola,

Schizandra, Elderberry, St. Johns Wort, Valerian and Ephedra, and combinations thereof, each having an unpleasant mouthfeel, and,

(b) adding thereto from about 0.5% to about 5.0% by weight of said hard boiled candy composition of an unpleasant mouthfeel suppressing agent consisting essentially of one or more partially hydrogenated vegetable oils or saturated fats said amount being effective to suppress said unpleasant mouthfeel of said botanical.

Claim 29 (cancelled): The method according to claim 28 wherein the botanical is selected from the group consisting of Echinacea, Siberian Ginseng, Gingko Biloba, Kola Nut, Goldenseal, Golo Kola, Schizandra, Elderberry, St. Johns Wort, Valerian and Ephedra, and combinations thereof.

Claim 30 (original): The method according to claim 29 wherein the botanical is Echinacea.

Claim 31 (currently amended): The method according to claim 28 wherein the partially hydrogenated vegetable oil is selected from the group consisting of cottonseed, soybean, peanut, palm, sunflower seed ~~or~~ and corn oil, and mixtures thereof, ~~and the saturated fat is palm kernel oil, coconut oil, cocoa butter, and butter and mixtures thereof.~~

Claim 32 (cancelled): The method according to claim 31 wherein the saturated fat or partially hydrogenated vegetable oil is selected from the group consisting of partially cottonseed oil, palm kernel oil, and butter, and mixtures thereof.

Claim 33 (currently amended): The method according to claim 28 wherein the saturated fat or partially hydrogenated vegetable oil is present at 0.5% to 3.5% by weight of the hard boiled candy composition.

Claim 34 (currently amended): The method according to claim 33 wherein the saturated fat or partially hydrogenated vegetable oil is present at 0.75% to 3.0% by weight of the hard boiled candy composition.

Claim 35 (original): The method according to claim 28 wherein the ratio of the saturated fat or partially hydrogenated vegetable oil to the botanical is from about 1/1 to about 1/0.1.

Claim 36 (original): The method according to claim 35 wherein the ratio of the saturated fat or partially hydrogenated vegetable oil to the botanical is from 1.0/0.6 to 1.0/0.15.

Claim 37 (cancelled): A method for suppressing the unpleasant mouthfeel of a hard boiled candy composition which contains a mineral or mineral salt having an unpleasant mouthfeel, which comprises



(a) providing a confectionery base containing a mineral or mineral salt having an unpleasant mouthfeel, and,

(b) adding thereto from about 0.5% to about 5.0% by weight of said composition of one or more partially hydrogenated vegetable oils said amount being effective to suppress said unpleasant mouthfeel of said mineral or mineral salt.

Claim 38 (cancelled): The method according to claim 37 wherein the mineral salt is zinc, calcium, iron or selenium or a salt thereof.

Claim 39 (cancelled): The method according to claim 38 wherein the mineral or mineral salt is zinc or zinc salt.

Claim 40 (cancelled): The method according to claim 37 wherein the partially hydrogenated vegetable oil is cottonseed, soybean, peanut, palm, sunflower seed or corn oil.

Claim 41 (cancelled): The method according to claim 40 wherein the partially hydrogenated vegetable oil is partially hydrogenated cottonseed oil.

Claim 42 (cancelled): The method according to claim 37 wherein the partially hydrogenated vegetable oil is present at 0.5% to 3.5%.

Claim 43 (cancelled): The method according to claim 42 wherein the partially

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hydrogenated vegetable oil is present at 0.75% to 3.0%.

Claim 44 (cancelled): The method according to claim 37 wherein the ratio of the partially hydrogenated vegetable oil to the mineral or mineral salt is from about 1/1 to about 1/0.1.

Claim 45 (cancelled): The method according to claim 44 wherein the ratio of the partially hydrogenated vegetable oil to the mineral or mineral salt is from 1.0/0.6 to 1.0/0.15.

Claim 46 (withdrawn): A method for suppressing the unpleasant mouthfeel of a hard gum composition which contains a botanical having an unpleasant mouthfeel, which comprises

(a) providing a confectionery base containing a botanical having an unpleasant mouthfeel, and,

(b) adding thereto from about 0.5% to about 5.0% by weight of said composition of one or more partially hydrogenated vegetable oils or saturated fats said amount being effective to suppress said unpleasant mouthfeel of said botanical.

Claim 47 (withdrawn): The method according to claim 46 wherein the botanical is Echinacea, Siberian Ginseng, Ginkgo Biloba, Kola Nut, Goldenseal, Gola Kola, Schizandra, Elderberry, St. Johns Wort, Valerian or Ephedra or a mixture thereof.

Claim 48 (withdrawn): The method according to claim 47 wherein the botanical is Echinacea.

Claim 49 (withdrawn): The method according to claim 46 wherein the partially hydrogenated vegetable oil is cottonseed, soybean, peanut, palm, sunflower seed or corn oil, and the saturated fat is palm kernel oil, coconut oil, cocoa butter, or butter or mixtures thereof.

Claim 50 (withdrawn): The method according to claim 49 wherein the saturated fat or partially hydrogenated vegetable oil is partially hydrogenated cottonseed oil, palm kernel oil or butter or a mixture thereof.

Claim 51 (withdrawn): The method according to claim 46 wherein the saturated fat or partially hydrogenated vegetable oil is present at 0.5% to 3.5%.

Claim 52 (withdrawn): The method according to claim 51 wherein the saturated fat or partially hydrogenated vegetable oil is present at 0.75% to 3.0%.

Claim 53 (withdrawn): The method according to claim 46 wherein the ratio of the saturated fat or partially hydrogenated vegetable oil to the botanical is from about 1/1 to about 1/0.1.

Claim 54 (withdrawn): The method according to claim 53 wherein the ratio of the saturated fat or partially hydrogenated vegetable oil to the botanical is from 1.0/0.6 to 1.0/0.15.

Claim 55 (currently amended): A hard boiled candy composition consisting essentially of:

(a) a confectionery base comprised of a mixture of at least one sugar and at least one carbohydrate bulking agent which is kept in an amorphous or glassy condition;

(b) at least one botanical selected from the group consisting of Echinacea, Siberian Ginseng, Ginkgo Biloba, Kola Nut, Goldenseal, Golo Kola, Schizandra, Elderberry, St. Johns Wort, Valerian and Ephedra, and combinations thereof, each having an unpleasant mouthfeel; and

(c) an unpleasant mouthfeel suppressing agent consisting essentially of from about 0.5% to about 5.0% by weight of said hard boiled candy composition of one or more partially hydrogenated vegetable oils or saturated fats, said amount being effective to suppress said unpleasant mouthfeel of said botanical.

Claim 56 (new): The hard boiled candy composition according to claim 1 wherein the saturated fat is selected from the group consisting of palm kernel oil, coconut oil, cocoa butter, and butter and combinations thereof.

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Claim 57 (new): The method according to claim 28 wherein the saturated fat is selected from the group consisting of palm kernel oil, coconut oil, cocoa butter, and butter and combinations thereof.